

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, OCTOBER 22, 2015

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

November 6, 2015 @ 9:30 A.M.

- a. Carlo Rose Cigar Bar & Lounge, 10 Bridge Street #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:20-a/Liq. 704.01 – failed to renew Cigar Bar license 30 days prior to expiration.
Cited for violation of RSA 178:20-a, II(a) – failed to provide records to demonstrate cigar and alcohol sales.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Dates of violations: August 31, 2015 & September 16, 2015.
Case #: 15-341-OF.

Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Date of violations: September 16, 2015.
Case #: 15-342-OF.

November 6, 2015 @ 10:30 a.m.:

- b. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #s: 15-61-OF & 15-63-OF.

November 19, 2015 @ 8:30 a.m.:

- c. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts

Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.

Dates of violations: March 29, 2015 & May 10, 2015.

Case #: 15-114-OF & 15-184-OF.

November 19, 2015 @ 10:30 a.m.:

- d. UPS, 55 Glen Lake Parkway, Atlanta, GA.
Carrier-Beverage/Wine/Liquor License #748116 licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I/Liq. 1104.06 – shipped and delivered alcohol for a company on the unauthorized shippers list – 2 counts.
Cited for violation of RSA 179:5, I – failed to obtain an adult signature when delivering an alcohol product.
Dates of violations: April 29, 2015, June 29, 2015 & July 21, 2015.
Case #: 15-173-OF, 15-259-OF & 14-288-OF.

November 19, 2015 @ 1:00 p.m.:

- e. Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH.
Restaurant Full Service With Lounge License #1369903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: June 28, 2015.
Case #: 15-266-OF.

December 11, 2015 @ 9:30 a.m.:

- f. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

Date to be determined:

- g. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 2 counts.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.

Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.

Date of violations: May 25, 2014, December 28, 2014 & January 25, 2015.

Case #: 14-202-OF, 14-466-OF & 15-28-OF.

LICENSEE REQUESTED A HEARING.

THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

HEARING TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

A \$2,000 administrative fine with \$750 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days commencing November 5, 2015 with re-grant on November 8, 2015, and all servers currently on staff shall complete a Total Education in Alcohol Management (TEAM) seminar online by November 10, 2015.

COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Loon Mountain Recreation Co., 60 Loon Mountain Road, Lincoln, NH.
Restaurant Beverage and Wine License #404103 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 178:20, III – allowed beverages and liquor not sold by the licensee to be consumed on the premises.
Date of violations: September 19, 2015.
Case #: 15-377-OF.
\$350 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Pericles Democratic Club, 123 Spruce Street, Manchester, NH.
Social Club License #18501 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22/Liq. 501.05 – failed to sign in a guest.
Date of violation: September 26, 2015.
Case #: 15-397-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Cabonnay LLC, 8 Mohawk Drive, Suite 1, Londonderry, NH 03053.
To be issued Retail Wine License #3160146 pursuant to RSA 178:19.
COMMISSION APPROVED.
- b. ETZ Hayim Synagogue, 1 ½ Hood Road, Derry, NH 03038.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 11/14/2015.
COMMISSION APPROVED.
- c. Hinsdale Harness LLC, 482 Brattelboro Road, Hinsdale, NH 03451.
To be issued Restaurant On-Premise Beverage and Wine License #1507403 pursuant to RSA 178:20.
COMMISSION APPROVED.
- d. Ilyadis Enterprises, Inc. DBA Queen's Pub and Grille, 641 Elm Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1517703 pursuant to RSA 178:21.
30 Day Temporary License issued: 10/15/2015.
COMMISSION APPROVED.
- e. JDKTK, Inc. DBA Kinsley House of Pizza, 118 Kinsley Street, Nashua, NH 03060.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1515703 pursuant to RSA 178:21.
30 Day Temporary License issued: 10/9/2015.
COMMISSION APPROVED.

- f. Kogetsu at Boiler House, Inc., 50 Jaffrey Road, Peterborough, NH 03458.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1517403 pursuant to RSA 178:21.
30 Day Temporary License issued: 10/15/2015.
COMMISSION APPROVED.
- g. Milk Run LLC (The), 34 South Avenue, Derry, NH 03038.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3338147 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 10/15/2015.
COMMISSION APPROVED.
- h. Morel, Fausto DBA Vida Mini Market, 39 Tolles Street, Nashua, NH 03064.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3337847 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 10/12/2015.
COMMISSION APPROVED.
- i. Oak House LLC, 110 Main Street, Newmarket, NH 03857.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1516003 pursuant to RSA 178:21.
30 Day Temporary License issued: 10/13/2015.
COMMISSION APPROVED.
- j. Payless Cigarette Store, Inc., 492 South Broadway #B, Salem, NH 03079.
To be issued Retail Tobacco, Tobacco Only License #136017 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 10/14/2015.
COMMISSION APPROVED.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING OCTOBER 16, 2015: 1,153

- a. Clavo Cellars LLC, 2925 Anderson Road, Paso Robles, CA 93446.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED.
- b. Red Tail Hawk Winery LLC, 1155 Mee Lane, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED.

7. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

8. **NOTIFICATION OF APPROVED PETITIONS:**

- a. AJP Billiards, Inc. DBA Legends Billiards and Tavern, 80 Hanover Street, Portsmouth, NH 03801.
Sports Recreation License #2500705 licensed pursuant to RSA 178:22, V(v).
Date petition received: 10/15/2015.
Requested approval for authorization of other area, to wit, a space adjacent to the establishment with a capacity of 149 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. American Citizens of Polish Descent of Newmarket NH Inc., 18 Central Street, Newmarket, NH 03857. Social Club On-Premise Cocktail Lounge License #10601 licensed pursuant to RSA 178:22, V(h). Requested approval for authorization of other areas, to wit, an outside parking lot area with a capacity of 50 for event date October 18, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. PDS Restaurateurs, Inc. DBA Portsmouth Gas Light Co., 64 Market Street, Portsmouth, NH 03801. Restaurant On-Premise Cocktail Lounge License #235103 licensed pursuant to RSA 178:22. Date petition received: 10/14/2015. Requests a waiver of RSA 178:21, II, a (2) for authorization of extension of hours, to wit, to extend the hours of operation on January 1, 2016 to 1:30am with glasses off the table at 2:00 am as indicated in a letter dated October 14, 2015.
COMMISSION ACKNOWLEDGED.
- d. Wakefield Inn and Restaurant LLC, 2753 Wakefield Road, Sanbornville, NH 03872. Restaurant On-Premise Beverage/Wine/Liquor License #1466903 licensed pursuant to RSA 178:21. Date petition received: 9/22/2015. Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 150 for event date October 17, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

9. **NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

None

10. **NOTIFICATION OF DENIED FELON EXCEPTIONS:**

None

11. **NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:**

None

12. **NOTIFICATION OF COMPLIANCE CHECKS:**

Tobacco – Coos County:

- a. Errol General Store, 76 Main Street, Errol, NH. Agency Store License #980704 licensed pursuant to RSA 177:9. Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check. Date of violation: September 20, 2015. Case #: 15-371-OF. Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Young's General Store, 2792 North Main Street, Pittsburg, NH. Combination Off-Premises Beverage/Wine/Tobacco License #3146047 licensed pursuant to RSA 178:18/RSA 126-K:4. Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check. Date of violation: September 20, 2015. Case #: 15-371-OF. Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.

13. COMMISSION DECISIONS PENDING AFTER HEARING:

- a. Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.
Case #s: 14-400-OF & 15-7-OF.
HEARING WAS HELD SEPTEMBER 17, 2015.
OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE’S OBJECTION TO SGT. EMERSON’S AND SGT. CALL’S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE’S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE’S VIOLATION HISTORY AS EXHIBITS IS GRANTED.

- b. Loyal Order Of Moose 443, 45 Chestnut Street, Dover, NH.
Social Club License #14701 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a club financial report by the 15th of the following month – 2 counts.
Dates of violations: August 10, 2015 & September 11, 2015.
Case #s: 15-317-OF & 15-356-OF.
HEARING WAS HELD ON OCTOBER 15, 2015; LICENSEE APPEARED AND PAID \$200 IN OUTSTANDING ADMINISTRATIVE FINES.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Derry Rotary Club, Boys & Girls Club of Greater Derry, 40 East Derry Road, Derry, NH 03038.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 10/17/2015.
Recommendation: Expedited approval.
Commission approved on 10/14/2015.
COMMISSION ACKNOWLEDGED.

- b. New Hampshire Nepali Community,
St. George Greek Orthodox Gym, 650 Hanover Street, Manchester, NH 03104.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 10/24/2015.
Recommendation: Expedited approval.
Commission approved on 10/14/2015.
COMMISSION ACKNOWLEDGED.

- c. South Hampton PTA, South Hampton Town Hall, 3 Hilldale Avenue, South Hampton, NH 03827.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 10/24/2015.
Recommendation: Expedited approval.
Commission approved on 10/14/2015.
COMMISSION ACKNOWLEDGED.